



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 9 मई, 1984/19 वंशाब्द, 1906

हिमाचल प्रदेश सरकार

COMMISSION OF INQUIRY NOTIFICATION

Shimla-171001, the 9th May, 1984

REGULATIONS OF PROCEDURE TO BE FOLLOWED BY THE COMMISSION OF INQUIRY

No. COI/Court-E (1)-1/84.—In exercise of the powers conferred under section 8 of the Commission of Inquiry Act, 1952 (hereinafter referred to as the Act), the Commission of Inquiry constituted, *vide* Government of Himachal Pradesh, Vigilance Department, Gazette Notification No. VIG (A)-(9)-1/84, dated the 7th March, 1984, hereby frames the following regulations to regulate its procedure, namely:—

1. All proceedings before the Commission shall be conducted in English.
2. The headquarters and Office of the Commission shall be in District Courts Building, Shimla (Pin-Code No. 171001).
3. The Office of the Commission shall function from 10.00 A. M. to 1.00 P. M. and from 2.00 P. M. to 4.00 P. M. on all days other than the holidays observed by the Himachal Pradesh High Court unless otherwise decided by the Commission.
4. The Commission will ordinarily sit at its headquarter but may, at its discretion, sit at any other place. The date, time and venue of the sitting of the Commission outside the headquarter will be notified from time to time.

5. All hearings of the Commission shall be open to public except when the Commission decides otherwise. The Commission may, however, regulate entry of the public by permit:

Provided that no visitor will be permitted to carry inside the premises of the Commission any attache or a brief case or a bag or any container or package, the contents whereof are not visible, from outside, or any weapon, instruments or other object or substance of any kind or any equipment which can create or lead to disturbance of any kind or otherwise cause interference in the oral conduct of the proceedings of the Commission.

The Press will be permitted to make only factual reports of the proceedings in the press.

6. The Commission may direct any person or organisation who in its opinion, is acquainted with any fact or information concerning any allegation forming the subject-matter of inquiry by the Commission to file before it, statements of facts and/or affidavits.
7. All statements or affidavits shall be in English or Hindi and shall be drawn up in the first person and shall be divided into paragraphs to be numbered consecutively each material statement of fact being made the subject-matter of a separate paragraph. The person making the statement or swearing the affidavit shall state his description, occupation, if any, and his true place of abode.
8. Every affidavit shall be verified in the following manner:—

“I.....above named, do hereby solemnly affirm or take oath and say that the statements made by me in paragraphs Nos.....of the affidavit are true to my personal knowledge and those in paragraphs Nos.....are derived from information received and believed to be true by me.

Verified.....dated.....at.....(place).”

9. All affidavits submitted to the Commission must be attested by a Judicial Magistrate or an Executive Magistrate or an Oath Commissioner in the following manner:—

“Sworn/affirmed before me by the deponent above named, who is identified to my satisfaction by.....or who is personally known to me. The affidavit has been read out and explained in full to the deponent who has signed it/thumb marked it after admitting it to be correct, this.....day of.....1984.

Signature and Seal of the Authority”.

10. Every person filing an affidavit or statement before the Commission shall file, along with it, a list of documents, if any, on which he proposes to rely together with the original or true copies of the documents as are in his possession or power:

Provided that in the case of any document not in his possession or power, the statement of affidavit must contain the name and address of the person from whom such documents may be obtained. Where, however, the document referred to in the affidavit or statement is an official record, it shall be sufficient if the name of the Department or Office having the custody or control of such document and full particulars of the records are specified in order to enable the Commission to call for the same.

11. Statements, affidavits, containing complaints or allegations which, in the opinion of the Commission, do not relate to the inquiry under the notification appointing the Commission, shall not and those as are frivolous and trivial in nature, may not, at the discretion of the Commission, be entertained or enquired into. In such a case, the complainant, the maker of the statement or deponent, as the case may be, will be informed accordingly. Provided it will be sufficient compliance of this provision, if in respect of complaints received through the State Government, only the State Government is suitably informed. A list of such cases shall also be kept in the Office of the Commission and shall be open to inspection.
12. The Commission may, at any stage, itself, investigate any relevant matter and or for that purpose, examine any person or persons including any person who has already given a statement before the investigating staff, employed by the Commission, including any person who has submitted affidavit or statement to the Commission or its investigating authority. Such examination shall not be open to public.
13. At any stage of the proceedings, the Commission may, if it considers necessary, call upon any persons including a person who has filed any affidavit or whose complaint/statement has been received by the Commission, to make a statement before the Commission on oath and submit himself to cross-examination. In such a case, the affidavit, statement on oath, if any, already filed by such a person, may be treated as a part of his examination-in-chief.
14. The Commission may, at any stage of the proceedings, put any questions to any party or witness before it, as it considers relevant and proper, in order to elicit any information relevant to the inquiry.
15. No person shall have the right to insist on the oral examination of any deponent of an affidavit. In case, however, the Commission intends to take such an affidavit into consideration, the Commission shall allow all parties and persons referred to in sections 8B and 8C of the Act, the right of cross-examination. The Commission, in its discretion, may allow re-examination of such deponents.
16. The Commission may, at its discretion, permit any person referred to in sections 8B and 8C of the Act, to serve interrogatories on any person and may require such person to answer the interrogatories by an affidavit.
17. The Commission may, at its discretion, recall any party or witness at any stage of the proceedings either at the request of any party or *suo moto*.
18. The Commission may authorise the Secretary or any other official of the Commission to issue summons or any other process envisaged under section 4 of the Act.
19. With the notice sent to a person under section 8-B of the Act, gist of the relevant allegations shall be sent.
20. The Commission may, at its discretion, summon any person to make a statement or give evidence before it. It shall, however, not be bound to summon any person merely because it is requested by any person to do so.
21. The Commission, at its discretion, may dispense with the attendance of any person for the purposes of giving evidence before it, if in its opinion:—
 - (i) such attendance cannot be enforced except by causing undue hardship or inconvenience to that person; or
 - (ii) such attendance should be dispensed with for any sufficient reasons to be recorded in writing.
22. (a) Registered documents in original or their certified copies issued by the Registration Department will, as a rule, be admitted without requiring formal proof of their examination.

- (b) Official records of the Government Departments or Government-controlled institutions, statutory bodies, State Undertakings, Bank and Co-operative Societies, including the office notings, orders etc. may, subject to any valid claims of privilege be admitted without any formal proof unless the Commission in any particular case requires it to be proved in any of the ways laid down in the Evidence Act.
23. The Commission will not be bound by the rules of the Evidence Act, but will observe the fundamental principles of natural justice.
 24. Instead of recording a statement itself, the Commission may appoint a person or persons before whom such statement shall be recorded.
 25. The Commission may at its discretion, take up all or any of the allegations or complaints or part of the same at a time for its consideration and proceedings.
 26. The Commission shall, if necessary, make local investigations either personally or through any person duly authorised by it, into any matter falling within its terms of reference. The Commission or its authorised delegate shall make full and complete notes of the inspection which will be held after notice to parties, or their advocates appearing before the Commission. Such notes shall form part of the record of the Commission after hearing the objections of the said parties, if any.
 27. The Commission may either *suo moto* or on the application made by any person or party, delete or expunge any matter from any petition, affidavit, statement, or other document or return any such petition, affidavit, statement, document presented to the Commission, which, in the opinion of the Commission, is irrelevant or needlessly offensive, scurrilous or scandalous.
 28. Travelling and other expenses, as the Commission may deem reasonable, shall be paid to a person who is summoned to assist the Commission, if he so demands.
 29. The Commission reserves the right to alter, modify, delete, or add to any of these regulations, at any time, as and when it considers necessary to do so.

DATED: 9th May, 1984.
District Courts Building, Shimla-171001.

By order,
P. K. BHARDWAJ,
Secretary,
Commission of Inquiry, Himachal Pradesh.

रजिस्ट्रार नं० पी०/एस० एम० 14.



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ELECTION DEPARTMENT

ERRATA

Shimla-171002, the 8th May, 1984

No. 3-2/84-ELN.—In this Department's Notification of even number, dated the 30th April, 1984, published in the Himachal Pradesh Rajpatra (Extraordinary), dated the 1st May, 1984, the words "ग्राम सटू" appearing in column 3 against serial Number 3 may be read as "ग्राम सटू".

By order,

ATTAR SINGH,
Chief Electoral Officer,
Himachal Pradesh.